

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No.	CV 11-2958 PA (JEMx)	Date	May 13, 2011
Title	Donald Johnston, et al. v. Health Net, Inc. of California, et al.		

Present: The Honorable	PERCY ANDERSON, UNITED STATES DISTRICT JUDGE		
Paul Songco	N/A		N/A
Deputy Clerk	Court Reporter		Tape No.
Attorneys Present for Plaintiffs:		Attorneys Present for Defendants:	
None		None	

**Proceedings:** IN CHAMBERS—ORDER TO SHOW CAUSE

Before the Court is a Complaint filed by plaintiffs Donald Johnston, Ronnie Gayle, and James Kendrick (“Plaintiffs”). The Complaint alleges claims for violation of the Confidentiality of Medical Information Act and Unfair Competition Law, arising out of the defendants’ loss of server drives from a data processing center in Rancho Cordova, California.

The Court orders the parties to show cause, in writing not to exceed 15 pages, why this action should not be transferred to the United States District Court for the Eastern District of California for the convenience of the parties and witnesses, and in the interests of justice. See 28 U.S.C. §§ 124(a), 1404(a). All factual matters relied upon in the parties’ submissions must be supported by appropriate declarations and admissible evidence. To assist the Court in determining whether transfer is appropriate and in the interest of justice, the parties are directed to address the following, in addition to sharing their beliefs as to which forum is more convenient for the parties and witnesses:

1. Whether this action could have been brought in the Eastern District;
2. Whether venue is appropriate in the Eastern District;
3. What contacts, if any, each of the parties has to the Central District of California (“Central District”) and to the Eastern District. The parties should include information regarding the location of their administrative offices, real property, sources of revenue, and points of public contact;
4. What connection Plaintiffs’ causes of action have to the Central District and to the Eastern District;
5. Which witnesses are expected to be called and where they reside;
6. The availability of compulsory process to compel attendance of unwilling non-party witnesses in the Central District as compared to the Eastern District.

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7. The ease of access to sources of proof in each of the two forums;
8. The expected difference in the cost of litigation in the Central District as compared to the Eastern District; and
9. Whether there are any alternative forums, other than the Central District or the Eastern District, that would be more convenient for this action and why, keeping in mind the inquiries above.

Plaintiffs are ordered to file their response no later than May 20, 2011. Defendants Health Net, Inc., Health Net, Inc. of California, and International Business Machines Corp. may file their responses no later than May 27, 2011. Failure to timely respond to this order to show cause may result in the dismissal of this action without prejudice.

IT IS SO ORDERED.